

REMARKS

Claims 4-7 are pending in this application.

AMENDMENTS TO THE SPECIFICATION

Applicants submit that the amendments to the specification merely correct the much regretted typographical errors with certain reduced isocalpha acids as isoadhumulones. Applicants respectfully submit that this typographical error is an obvious error because just as in dihydro-, tetrahydro-, and hexahydro-isohumulones or dihydro-, tetrahydro-, and hexahydro-isocohumulones recited in the specification and the claims, "dihydro-, tetrahydro-, and hexahydro-adhumulone" must have been "dihydro-, tetrahydro- and hexahydro-isoadhumulone" to properly refer to the intended isomerized analogs of the hydrogenized isocalpha acids claimed. Support for the correct naming can be found, for example, in the structures provided in Figures 2 and 3C-3E. Entry of these amendments is respectfully requested.

AMENDMENTS TO THE CLAIMS

Claims 4 and 7 have been amended to include the recitation of the "combination index (CI) of less than 1." Support for this amendment can be found throughout the specification and at, for example, paragraph 100 on pages 31-32 and in Figures 4A-F. Claim 6 has been amended to correct the much regretted typographical error in that claim as discussed above. Support for the amendment can be found throughout the specification in the chemical structures presented therein. Entry of the above amendments and reconsideration of the following remarks are respectfully requested.

Claim Rejection --35 USC § 103 Over WO 03/035007

Claims 4 -- 7 stand rejected under 35 USC § 103(a) as being unpatentable over Babish et al. (WO 03/035007, PTO-892). The Office on pages 2 -- 4 of the Action asserts that Babish et al. teaches a method of treating inflammation comprising administering a composition comprising at least one compound isolated or derived from hops which include isocalpha acids and reduced isocalpha acids (which include isohumulone, isoprehumulone, dihydro-isohumulone and

tetrahydroisohumulone.

The Office further states that "Babish et al. does not expressly teach a method of treating inflammation comprising administering a combination of isohumulone and dihydro-isohumulone, and the particular ratio of reduced [sic] isohumulone: dihydro-isohumulone as about 10:1 to about 1:10, in the composition." However, the Office concludes that "it would have been obvious to a person of ordinary skill in the art at the time of the invention to employ isohumulone, and dihydro-isohumulone in the method of treating inflammation because Babish, et al. teaches a method of treating inflammation comprising administering a composition comprising at least one compound isolated or derived from hops which include isohumulone and dihydro-isohumulone." Applicants respectfully traverse.

Applicants respectfully submit that WO 03/035007 discloses the anti-inflammatory properties of the hops derived compounds in combination with curcuminoids. WO 03/035007 does not provide any teaching or suggestion that a combination of IAA and RIAA (as claimed) could have synergistic properties in treating inflammation. Therefore, WO 03/035007, in effect provides a vast number of compounds that could potentially be used in place of curcuminoids in combination with the hop derived compounds in that reference. WO 03/035007 does not provide any guidance as to how a person of ordinary skill in the art may combine the specific compounds presently claimed to arrive at a composition that has synergistic properties in reducing inflammation. This suggests that the person of ordinary skill in the art could not have reasonably predicted or have had a reasonable expectation of success to modify the teachings of WO 03/035007 to arrive at the present invention as claimed.

In addition, Applicants respectfully submit that a skilled individual familiar with the teachings of WO 03/035007 could not have predicted that it was only at certain ratios and amounts, as shown in Figures 4A-4H (where the combination index is less than one) that the claimed compounds can function synergistically to reduce inflammation. See the shaded area in Figure 4A-4H. In the present invention, Applicants have unexpectedly discovered that it was only in these ratios and amounts, which resulted in synergy, that the claimed compounds were also suitable for producing commercial viable products for reducing inflammation. See Example

4 and the shaded area in Figure 4A-4H. As such, Applicants respectfully submit that claims 4-7 are unobvious over WO 03/035007 and respectfully request that this rejection be withdrawn.

Claim Rejection -- 35 USC § 103 Over WO 2004/037180

Claims 4 -- 7 stand rejected under 35 USC § 103(a) as being unpatentable over Babish et al. (WO 2004/037180, PTO-892). Applicants respectfully traverse.

Applicants respectfully submit that WO 2004/037180 (which is an international publication by the M. Tripp, J. Babish, and J. Bland et al, the same inventors as in this application) was published on May 6, 2004, after the filing date of the present application (i.e., February 27, 2004). Therefore, Applicants respectfully submit that WO 2004/037180 is not a prior art reference for the purpose of this rejection. Applicants respectfully request the Office to withdraw this rejection.

Obviousness-type Double Patenting Rejections

Claims 4 -- 7 have been provisionally rejected for obvious-type double patenting over Claim 32 of co-pending Application No. 11/344,555; 11/344,557 (abandoned); 11/403,034; 10/464,834; 10/532,388; 11/344,561; 10/464,410; 10/789,817; 10/590424 and over Claims 1-5 of US 7,431,948. Without acceding to the Office's arguments, and in the interest of expediting the prosecution of the instant application and without prejudice, Applicants herewith submit terminal disclaimers for the above applications (except for the application that is abandoned) and the patent linking them to the instant case. Applicants respectfully request the Office to withdraw these rejections.

Conclusion

In light of the remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect.

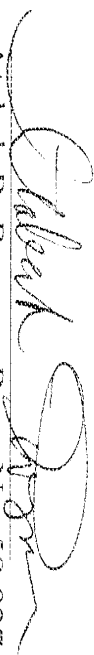
If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's agent at the telephone number shown below.

A Request for a Three (3) Month Extension of Time, up to and including December 11, 2010 is included herewith. Pursuant to 37 C.F.R. § 1.136(a)(3), the Examiner is authorized to charge any fee under 37 C.F.R. § 1.17 applicable in this instant, as well as in future communications, to Deposit Account 50-1133. Furthermore, such authorization should be treated in any concurrent or future reply requiring a petition for an extension of time under paragraph 1.136 for its timely submission, as constructively incorporating a petition for extension of time for the appropriate length of time pursuant 37 C.F.R. § 1.136(a)(3) regardless of whether a separate petition is included.

The Commissioner for Patents is also authorized to charge any fees required under 37 C.F.R. § 1.20(d) for filing of the terminal disclaimers to deposit account 50-1133.

Respectfully submitted,

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